



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Community Empowerment and Economic  
Revitalization Committee**

Tuesday, January 17, 2006  
2:00 PM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Community Empowerment & Economic Revitalization Committee  
Meeting Agenda**

**Tuesday, January 17, 2006**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

2(A)	3(A)
------	------

Additional information for the below listed item is attached for your consideration in this Legislative Analysis.

4(D)	
------	--

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Jason T. Smith, Legislative Analyst  
Douglas Pile, Esq., State Coordinator (OIA)

## **LEGISLATIVE ANALYSIS**

### ***RESOLUTION RELATING TO THE "ONE STRIKE" POLICY***

Commissioners Barbara J. Jordan and Katy Sorenson

#### **I. SUMMARY**

This resolution urges the federal government to reconsider the application of the “one strike” policy when evicting and excluding tenants of public housing, based on violent criminal activity, drug-related activity and sexual offense. Currently, legislation has been filed to create an “innocent tenant” exception to this policy (H.R. 1309 by Cong. Lee).

#### **II. PRESENT SITUATION**

On March 28, 1996, the U.S. Department of Housing and Urban Development (HUD) introduced guidelines to help public housing administrators screen and evict tenants involved in drug or other criminal activity. The provisions were set out in the policy, "One Strike and You're Out." The eviction and screening procedures have been law since 1988, but many public housing authorities (PHAs) were not enforcing them because they were unclear about the legal ramifications and constitutionality of eviction and screening. The “one strike” provision was unanimously upheld by the U.S. Supreme Court in *Rucker v. Davis* in 2002, holding it was not unreasonable for Congress and HUD to impose a no-fault penalty upon innocent tenants.

#### **III. POLICY CHANGE AND IMPLICATION**

This resolution urges the federal government to reconsider the application of the “one strike” policy, in light of the negative impact it has on innocent tenants and the disparate impact it has on the poor.

#### **IV. ECONOMIC IMPACT**

None.

#### **V. COMMENTS AND QUESTIONS**

On March 15, 2005, federal legislation was filed to create an “innocent tenant” exception to this policy, H.R. 1309 by Rep. Barbara Lee (D-CA). The proposed legislation would protect elderly and disabled tenants from eviction. On April 11, 2005, the bill was referred to the House Subcommittee on Housing and Community Opportunity. No hearings have been scheduled yet. The bill is supported by the National Low Income Housing Coalition and the National Housing Law Project.

The Board of County Commissioners might also consider supporting H.R. 1309 via resolution, as this bill also addresses protecting tenants from the one-strike policy.

**LEGISLATIVE ANALYSIS**

*ORDINANCE APPOINTING BOARD OF COMMISSIONERS OF THE NW 7<sup>TH</sup>  
AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY*

Commissioner Dorrin D. Rolle

**I. SUMMARY**

This item creates a citizen board of commissioners to oversee the 7<sup>th</sup> Avenue Corridor Community Development Agency, and sets the qualifications, duties and powers of the board.

**II. PRESENT SITUATION**

Presently, the Miami-Dade County Board of County Commissioners serves as the Community Redevelopment Agency for the 7<sup>th</sup> Avenue Corridor, through Resolution 744-04, which was passed on June 22, 2004. The Board appointed itself as the initial CRA in order to expedite the approval of the community redevelopment plan and establish the 7<sup>th</sup> Avenue Corridor trust fund prior to June 30, 2004, so the CRA could begin to receive tax increment revenues.

**III. POLICY CHANGE AND IMPLICATION**

This ordinance creates a citizen-controlled board of commissioners for the 7<sup>th</sup> Avenue CRA, which replaces the Board of County Commissioners as the administering agency. According to this ordinance:

- The board shall comprise 5 – 9 members who serve 4 year terms; three of the members first appointed will serve one, two, and three years, respectively.
- Commissioners will not be compensated but could be reimbursed for travel and other charges incurred while carrying out their official duties.
- All expenditures of the CRA must be approved by the Board of County Commissioners.

**IV. ECONOMIC IMPACT**

This item will not have a direct fiscal impact on Miami-Dade County.

**V. COMMENTS AND QUESTIONS**

None.

**ADDITIONAL INFORMATION**

<b><u>Item#</u></b>	<b><u>Subject Matter</u></b>	<b><u>Comments/Questions</u></b>
4(D)	Intradepartmental Transfer of \$9.6 million	Will MDHA account for potential shortfalls in future budgets?  How will this impact current and future projects funded through the Surtax program?